

CIVIL COVER SHEET

COPY

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS Robert Boyd and Susan Boyd	DEFENDANTS The Town of Ransom Canyon <div style="font-size: 2em; font-weight: bold; text-align: center;">5-07CV0129-C</div> County of Residence of First Listed Defendant <u>Lubbock</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.
(b) County of Residence of First Listed Plaintiff <u>Lubbock</u> (EXCEPT IN U.S. PLAINTIFF CASES)	
(c) Attorney's (Firm Name, Address, and Telephone Number) Dulan Elder, Richards & Elder L.L.P., P.O. Box 64657 Lubbock, Texas 79464-4657 and (806) 798-8868	Attorneys (If Known) John C. Sims, P.O. Box 10236, Lubbock, TX 79408-3236

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business In This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business In Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
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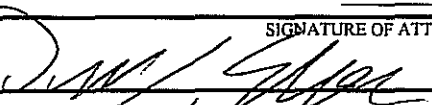
IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	TORTS PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes	REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition

V. ORIGIN (Place an "X" in One Box Only)							
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION Brief description of cause: Wrongful denial of ham radio antenna	VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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VIII. RELATED CASE(S) PENDING OR CLOSED (See instructions): JUDGE _____	DOCKET NUMBER _____
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DATE 7-5-07	SIGNATURE OF ATTORNEY OF RECORD 
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RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

UNITED STATES DISTRICT COURT

Northern

District of

Texas

ROBERT BOYD AND SUSAN BOYD

SUMMONS IN A CIVIL ACTION

V.

THE TOWN OF RANSOM CANYON, TEXAS,

CASE NUMBER:

5-07CV0129-C

TO: (Name and address of Defendant)

The Town of Ransom Canyon, Texas
24 Lee Kitchens Drive
Ransom Canyon, Texas 79366-2299

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Dulan D. Elder
RICHARDS & ELDER, L.L.P.
3223 S. Loop, 289, Suite 424 (79423)
P.O. Box 64657
Lubbock, Texas 79464-4657

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

CLERK OF COURT

JUL 1 2007

CLERK

DATE

(By) DEPUTY CLERK

RETURN OF SERVICE

Service of the Summons and complaint was made by me ⁽¹⁾	DATE
NAME OF SERVER (<i>PRINT</i>)	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served:
-
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.
 Name of person with whom the summons and complaint were left:
- ☐ Returned unexecuted:
-
- ☐ Other (specify):

STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL \$0.00
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DECLARATION OF SERVER

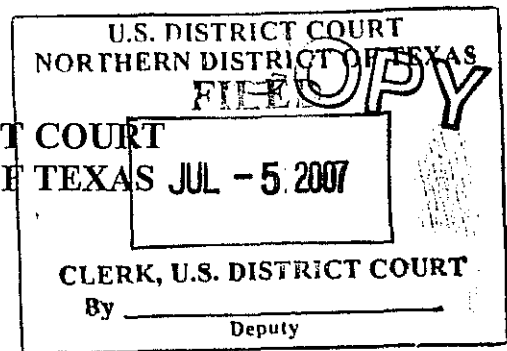
I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on _____
Date
Signature of Server

Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF TEXAS
LUBBOCK DIVISION



ROBERT BOYD AND SUSAN BOYD
Plaintiffs,

v.

THE TOWN OF RANSOM
CANYON, TEXAS,
Defendant

§
§
§
§
§
§
§
§

Civil Action No.:

5:07CV0129-C

ORIGINAL COMPLAINT

TO THE HONORABLE COURT:

Robert Boyd and Susan Boyd (hereinafter sometimes collectively referred to as the "Boyd"), Plaintiffs, complain of the Town of Ransom Canyon, a Texas home rule municipal corporation, Defendant, and for cause of action shows:

JURISDICTION

1. This court has jurisdiction of the subject matter of this action pursuant to 28 U.S.C. § 1331 because the claims asserted in it arise out of the Constitution and laws of the United States. As is more fully shown below, this action asserts claims that Defendant by its actions has (i) failed to reasonably accommodate amateur radio services communications as required by federal law and (ii) has abused its power and employed its power as an instrument of oppression to deprive Plaintiffs of substantive and procedural due process and equal protection rights guaranteed by and protected by the Fourteenth Amendment to the United States Constitution.

PRB-1 Federal Preemption

2. The Federal Communications Act of 1934, 47 U.S.C. §§ 151 *et. seq.* created the FCC and granted the FCC the power to promulgate its implementing regulations, 47 C.F.R. Part 97, that

comprehensively regulate all amateur radio operations. *Bodony v. Inc. Vill. of Sands Point*, 681 F. Supp. 1009, 1012 (E.D. N.Y. 1987). These regulations have the same preemptive effect as federal statutes. *Id.*

3. 47 C.F.R. § 97.15 codifies two seminal FCC rulings: FCC Memorandum Opinion and Order PRB-1, 101 F.C.C.2d 952 ("PRB-1") and Order RM-8763, 15 F.C.C.R. P22151 (2000) ("RM-8763").

4. On September 19, 1985, the FCC issued *In re Federal Preemption of State and Local Regulations Pertaining to Amateur Radio Facilities*, 101 F.C.C.2d 952, 50 Fed. Reg. 38,813 (1985) (codified at 47 C.F.R. § 97.15 (e)). This ruling is referred to as PRB-1, 101 F.C.C.2d 952. PRB-1 is an attempt to 'referee' the tension between the competing interests and 'strike a balance between the federal interest in promoting amateur communications and the legitimate interests of local governments in regulating local zoning matters.'" *Palmer v. City of Saratoga Springs*, 180 F. Supp. 2d 379, 384 (quoting PRB-1, 101 F.C.C.2d 952, pp. 22, 24).

5. Section 97.15 (b) of 47 C.F.R. provides in part that:

Except as otherwise provided herein, a station antenna structure may be erected at heights and dimensions sufficient to accommodate amateur services communications. (State and local regulation of a station antenna structure must not preclude amateur service communications). Rather, it must reasonably accommodate such communications and must constitute the minimum practicable regulation to accomplish the state or local authority's legitimate purpose. See PRB-1, 101 F.C.C.2d 952 (1985).

6. State and local regulations that operate to preclude amateur communications in their communities are in direct conflict with federal objectives and must be preempted.

47 U.S.C. § 1983 Claims

7. Section 1983 creates a cause of action against any person who, acting under color of

state law, abridges "rights, privileges, or immunities secured by the Constitution and laws of the United States." 42 U.S.C. § 1983.

PARTIES

8. Plaintiffs are Robert Boyd and Susan Boyd (the "Boyd"), individuals residing in Lubbock, County, Texas.

9. Defendant is the City or Town of Ransom Canyon, Texas, a Texas home rule municipal corporation ("Ransom Canyon"). Defendant may be served with process by service upon its Mayor, Robert Englund, at 24 Lee Kitchens Drive, Ransom Canyon, Texas 79366.

10. At all relevant times, the Defendant has acted through its agents and employees acting under the color of the ordinances and other alleged authority of Ransom Canyon and the laws of the State of Texas.

FACTS

11. Plaintiff, Robert Boyd ("R. Boyd"), currently holds an Extra Class Amateur Radio License and has been continually licensed as an amateur radio operator since 1968. He operates Amateur Radio Station WA5VSK. R. Boyd is a member of the Radio Amateur Civil Emergency Service ("RACES"), the Amateur Radio Emergency Service ("ARES") and other professional organizations devoted to the advancement of radio communications and methods which are useful in providing emergency communications.

12. Amateur radio operators, more commonly referred to as ham radio operators ("Hams"), are the only means of communications during some emergencies. Hams and Ham organizations such as RACES and ARES have a distinguished history of volunteer emergency community service in times of disasters, such as the Lubbock tornado in 1970 and more recently Hurricanes Katrina and Rita. Hams are able to communicate worldwide without dependency on cell

phone towers or satellites orbiting in space such as the one shot down for practice recently by China.

13. The federal government, as evidenced by PRB-1 and Order RM-8763, has aligned itself with Hams in the tensions between Hams and local municipalities, national security, and disaster relief communications. There is a direct correlation between antenna heights and the amateurs' ability to successfully transmit and receive these valuable communications signals.

14. Ransom Canyon has represented that its Building Review Committee, which is appointed by the City Council of Ransom Canyon, is the organism of Ransom Canyon vested with the responsibility to review applications for building permits, to determine if such building permits comply with the applicable Ransom Canyon Ordinances, and grant or deny permits based upon their conformance to the Ransom Canyon Ordinances. If a variance to an existing ordinance is necessary to issue a permit, then the Building Review Committee sends the plans to the Ransom Canyon City Council (the "City Council") to consider a variance.

15. Ransom Canyon has represented that applicants denied building permits by the Building Review Committee may appeal such decision to the City Council and that applicants seeking a variance to the terms of an ordinance are to seek such variance from the City Council. Ransom Canyon has no other organism such as a planning and zoning committee or a zoning board of adjustment, to consider variances.

16. In November of 2006, R. Boyd went to the City Hall of Ransom Canyon to inquire about requirements of Ransom Canyon for constructing a ham radio tower. R. Boyd was provided with a packet called the "Construction Junction" (which outlines Ransom Canyon's requirements for building permits), copies of private deed restrictions imposed on lots in Ransom Canyon, and copies of two ordinances dealing with earth station receiving antennas.

17. In November, 2006, R. Boyd applied to the Building Review Committee of Ransom

Canyon for a permit to erect at 98 South Lakeshore Drive, Ransom Canyon, Texas (the "Property") a fold over, crank up tower with a fully extended height of 51' (and down position of 21') with an antenna mast inserted in the tower which would cause the tower/antenna to be used for ham radio communications to reach a height of less than 65' when fully extended (the "Tower").

18. In response to R. Boyd's application, on November 22, 2006, the City Administrator of Ransom Canyon sent R. Boyd a letter, a copy of which is attached hereto as Exhibit "A" and incorporated herein for all purposes, stating that the Building Review Committee chairman declined to call a meeting on the permit application because the Property is deed restricted to single story.

19. When challenged about Ransom Canyon's authority to use public funds to enforce private deed restrictions, Ransom Canyon has glibly advised that they do not enforce them but that they will not issue any permit in violation of the private deed restrictions.

20. Ransom Canyon has represented that its Building Review Committee is the successor to the Architectural Control Committee created and governed by the private deed restrictions originally imposed on lots in what is now Ransom Canyon.

21. Municipalities are not a person authorized by the Texas Property Code, or any other statute, to enforce private deed restrictions.

22. Thus began what has become a continuing process of obfuscation, sandbagging and outright misrepresentations and blatant disregard of their own governing ordinances by Ransom Canyon. Besides having no authority to enforce, directly or indirectly, private deed restrictions (which can be waived or otherwise become enforceable and hence cannot be ascertained by merely reading what they say), Ransom Canyon misrepresented that there was a height restriction on antennas in the deed restrictions (which provide only that residences on enumerated lots, including the Property, shall be only 1-story in height, saying nothing about height restrictions on structures

not resided in).

23. Ransom Canyon has no zoning ordinances. Ransom Canyon has passed other ordinances applicable to building permits and two ordinances concerning earth station receiving antennas, both of which specifically require that a building permit is required for an earth station receiving antennas.

24. Earth station receiving antennas, by definition, apply only to antennas which communicate with satellites i.e. satellite dish antennas, and do not encompass ham radio antennas.

25. Ironically, but consistent with the arbitrary nature of the governance at Ransom Canyon, most homes in Ransom Canyon have satellite dish antennas on their roof, constructed without a permit in explicit violation of two separate ordinances, while R. Boyd and his wife are receiving daily citations for a ham radio antenna which is not in violation of any ordinances.

26. Ransom Canyon has no ordinances governing the height, placement, or any other elements of a ham radio antenna, although Ransom Canyon has passed an ordinance adopting the International Residential Building Code (the "IRBC") which sets out certain specifications concerning antennas.

27. R. Boyd and his retained counsel have undergone extensive efforts to educate Ransom Canyon concerning ham radio antennas, PRB-1 and subsequent rulings and the developed case law on PRB-1, federal preemption of radio frequency interference issues, etc. Jim Childress, another resident of Ransom Canyon who applied for a building permit for an identical tower in July of 2006, has joined in these efforts. In addition to copies of the rulings, law review articles, engineering articles and 5th Circuit case law, this educational effort included a meeting with the City Council to present educational materials and respond to any questions.

28. Despite their prior education concerning the requirements of PRB-1, the City Council

followed the presentation by avoiding the subject of PRB-1, ignoring the fact that they had no grounds under their ordinances to deny the permit, and instead spent their time arguing about alleged violations of the private deed restrictions e.g. the antenna would be a nuisance in violation of the deed restrictions, claims it violated the height restrictions of the deed restrictions (the attorney member of the City Council, Donna Clarke, opined that the “intent” of the deed restrictions limiting residences to one story was to limit everything to one story), it would be a temporary structure in violation of the deed restrictions, etc. There was also considerable inflammatory discussion about interference issues and claims that RF interference would be a nuisance prohibited under the deed restrictions, despite their being provided, through their legal counsel, well prior to the meeting, with materials establishing that RF interference issues were preempted by federal law and were the exclusive domain of the FCC.

29. One City Council Member made a motion that R. Boyd be permitted, as a reasonable accommodation under PRB-1, an 18' antenna provided he met other requirements which were impermissible and inappropriate under PRB-1. Her motion died for lack of a second.

30. R. Boyd appeared at a subsequent City Council meeting at which Jim Childress again sought issuance of a building permit for a ham radio antenna. The City Council, despite the fact that Jim Childress's permit application met all requirements of the Ransom Canyon ordinances, refused to grant his permit and instead spent their time discussing the federally preempted interference issues.

31. The granting of a building permit for plans, etc. which comply with all Ransom Canyon ordinances, under the facts in this case, is a mere ministerial act to be performed by the Building Review Committee.

32. The City Council has apparently usurped the authority of the Building Review

Committee. The Building Review Committee advised R. Boyd, after he approached them a second time asserting they could not hide behind the Deed Restrictions, that they could not rule on this issue. R. Boyd was advised that it was too important for them to decide because it could set precedent, so the City Council needed to decide. This is in direct violation of Ransom Canyon's own procedures. The City Council has stepped outside its authority to block the Building Review Committee from exercising its ministerial duty to a citizen of Ransom Canyon

33. Donna Clarke, a member of the City Council who is also a practicing attorney with training and specialized knowledge and subject to a higher standard of conduct than other council members, lives across the street from the Property and has been openly hostile towards the Antenna to the apparent end result of spearheading efforts to disregard the laws and the authority of Ransom Canyon to deal with the Antenna, make every effort to crush the Boyds and prevent the installation of the Antenna, and to harass the Boyds in an effort to force the Boyds to take down the Antenna after its construction.

34. It became apparent that Ransom Canyon had no intent of ever either granting or denying a building permit to R. Boyd. Ransom Canyon's strategy appeared to be to sandbag and try and require R. Boyd to comply with the Deed Restrictions, including not being a nuisance as the City Council construed nuisance (annoyance apparently sufficient for them), provide interference studies although RF issues were federally preempted and generally hope that R. Boyd would give up and decide it was indeed futile to fight city hall.

35. PRB-1 preempts municipal ordinances but neither it nor any statute or ruling preempts private deed restrictions. Ransom Canyon, recognizing that they had no ordinance which would regulate, much less prohibit the Antenna, and that PRB-1 would prohibit them from passing an ordinance to prohibit an antenna, sought other means to block this federally favored use. this

resulted in their focus on the Deed Restrictions, although they do not prohibit or regulate an Antenna either.

36. Since the City Council was focused on the Deed Restrictions in their objections to the Antenna and had no grounds to block the Antenna under its ordinances, R. Boyd had no recourse but to take action to bypass the argument concerning the Deed Restrictions.

37. The Building Review Committee is one and the same as the Architectural Control Committee under the Deed Restrictions, however inappropriate that may be. Accordingly, presentation of the plans for the Antenna (the application for a permit) to the Building Review Committee is a presentation to the Architectural Control Committee under the Deed Restrictions. The Deed Restrictions (pp. 7 & 8) provide in pertinent part as follows:

The Committee's approval or disapproval as required in these covenants shall be in writing. In the event the Committee or its designated representatives, fails to approve or disapprove within thirty (30) days after plans and specifications have been submitted to it, or in that event, if no suit to enjoin the construction has been commenced prior to the completion thereof, approval will not be required and full compliance with the related covenants shall be deemed to be satisfactory...The Committee's decision in such approval or disapproval is final and its criterion for such decision includes, but is not limited to the above mentioned factors. In cases of disapproval, the Committee will state its objections in writing and the reasons for such and will offer recommendations for curing the same.

38. Ransom Canyon's Ordinance 56 concerning building permits provides that Ransom Canyon shall have 60 days for approval. *Texas Local Government Code* §214.212 requires a city to either admit an application for a permit or deny it in writing giving reasons within forty-five (45) days of its submission. Pursuant to the Deed Restrictions which govern the Building Review Committee, according to Ransom Canyon, and these provisions requiring Ransom Canyon to act by a certain deadline, Ransom Canyon is estopped, seven months later, from denying the issuance of a permit or prosecuting R. Boyd or his wife for not having a permit Ransom Canyon has wrongfully

withheld.

39. The Building Review Committee/Architectural Control Committee, despite receiving the permit application in November 2006, has never either granted or denied such application and neither has the City Council, however they got involved in the process.

40. R. Boyd installed the 3' by 3' steel reinforced slab and erected the Antenna on such slab, in accordance with the plans and specifications of the manufacturer and the IRBC as adopted by Ransom Canyon, and in accordance with all other applicable ordinances of Ransom Canyon, over the course of two weekends (June 2-3 and June 9-10) and immediately notified Ransom Canyon of such completed installation and invited Ransom Canyon to inspect same and issue a permit.

41. Notwithstanding language in Ransom Canyon Ordinance 56, numbered paragraph 1. of Section 2, providing, "A permit is required for ANY construction, new additions, remodeling, out buildings, garages, etc.", Ransom Canyon has not historically required building permits for non-building structures such as flag poles, basketball goals, mail boxes, concrete flatwork or antennas. Applying the *ejusdem generis* rule of construction to this provision, the specific terms following "ANY construction" evidence a clear intent for this provision to apply only to building type structures.

42. Ransom Canyon has tacitly conceded that Ordinance No. 56 does not apply to antennas by its passage in April of 2007, well after its receipt of applications from R. Boyd and Jim Childress for building permits for ham radio antennas, of Ordinance No. 07-00380, which amends Ordinance No. 24 (a predecessor of Ordinance No. 56) to add "towers" to the enumerated list of items which require building permits. Interestingly, Ordinance No. 07-00380 recites that the Council for the Town of Ransom Canyon finds that it is in the best interest of the general public to require compliance with deed restrictions and then adds a provision to the building code providing that "No

plans or construction can violate the deed restrictions in place on the land.”

43. Ransom Canyon’s counsel stated in open meeting of the City Council, prior to the vote on its passage, that such Ordinance No. 07-00380 would not apply to the two pending applications for building permits for ham radio towers/antennas.

44. Ransom Canyon discriminated against R. Boyd by fishing out and selectively enforcing inapplicable Ordinances (earth station receiving station antenna ordinances and Ordinance No. 56 which did not apply to towers, as Ransom Canyon well knew) in an effort to stonewall the building of a ham radio tower. Similar structures were regularly built without any requirement for a permit, much less the elaborate avoidance of issuance of a permit when the applicant complied with all requirements imposed by Ransom Canyon, without authority.

45. Ransom Canyon has on its books Ordinance No. 05-00285 which provides a mechanism for work for which a permit is required by Ransom Canyon that was commenced without first obtaining a permit, whereby one is to pay an investigation fee (estimated to be approximately \$25 in the case of R. Boyd) and be issued a permit. Plaintiffs understand that this is routinely used by Ransom Canyon. R. Boyd has tendered such fee but has been advised unequivocally by Ransom Canyon that it will not accept such fee and will not issue a permit.

46. R. Boyd has requested Ransom Canyon to let him know if Ransom Canyon needs anything else from him concerning such Antenna and has received no response.

47. On June 15, 2007, Ransom Canyon began serving citations on both of the Boyds for violation of Ordinance No. 56 for failure to obtain a permit. The second citation was sent June 18, 2007 and, according to Ransom Canyon, daily citations have been issued thereafter and will continue to be issued. The Antenna complies with all Ordinances of Ransom Canyon other than, in Ransom Canyon’s view, the naked violation, if it is one, that Ransom Canyon did not issue the permit despite

all requirements being met. Ransom Canyon, by breaching its duty to issue a permit when all requirements are met, is creating its own "violation" even if a permit was required in the first place, which R. Boyd denies.

48. There is no public interest to protect in issuing citations. The Antenna is no danger to anyone. In its lowered, or nesting position, only a portion of the antenna mast extends above the existing tennis court lights on the Boyds' property. In its raised position, even if it fell straight over its full length, which engineers assure would never be the case, it would never leave the Boyds' property. The citations are being issued purely for spite and for what R. Boyd suspects is a private power trip for some City Council members in an effort to crush R. Boyd, using his and other residents' tax money to deprive him of his right to use his private property for a purpose encouraged by the federal government as beneficial to all of us, and to be forced to give up and move out of the community if he wants to pursue utilization of his ham radio services.

49. As of July 2, 2007, assuming Ransom Canyon has carried out its threats, Ransom Canyon will have issued 16 citations to Robert and Susan Boyd for the same alleged violation of not having a permit under Ordinance No. 56. Ransom Canyon has advised that they are seeking fines of \$500.00 for each violation, that the fines will be \$500.00 each for both Robert Boyd and Susan Boyd and that each of the citations is a separate matter and will require a separate trial.

50. Section 6 of Ordinance No. 56 imposes a maximum fine for violating such Ordinance of only \$100.00, not \$500.00. This is typical of Ransom Canyon's cavalier attitude towards rules and statutes and limitations on their powers. Further, Section 6 of Ordinance No. 56, in its last sentence, provides that "Each transaction and violation of any of the provisions hereof shall be a separate offense." Giving the most generous construction to Ransom Canyon's position, the only violation of Ordinance No. 56 is that R. Boyd did not obtain a permit for the Antenna which was

completed in compliance with all applicable requirements of Ransom Canyon's ordinances, prior to the first citation being issued.

51. This is a criminal statute, in this instance, and is required constitutionally not to be vague. There is no explicit provision that this can be a continual violation for every day. It is clear that it is a one time "violation" and a single transaction.

52. It is a blatant abuse of Ransom Canyon's police power to not only manufacture an "offense" but to hold out that it had the authority to impose five times the fine it's own ordinance authorizes and then carry that same egregious violation of civil rights over to a wrongful claim against Susan Boyd (who is terrified when she reads on the back of the citation that she could be arrested if she does not appear timely) when Ransom Canyon well knows she is not an amateur radio operator and has never made any appearance asking for anything related to the Antenna or the building permit. Not stopping there, Ransom Canyon then takes this despicable action and multiplies it by sixteen and counting with no authority other than that they are the government and, in Ransom Canyon, that apparently means they can do anything they please. Each of the Boyds are being required to enter pleas on each of the citations and post \$500.00 appearance bonds. R.Boyd is a physician and needs to be exercising his healing arts for the benefit of the public instead of being required to appear for sixteen plus trials on trumped up charges to satisfy some power hungry City Council members.

53. R. Boyd has obtained an engineering study advising that in order to get optimum use of his ham radio facilities that he would need a tower of not less than 175'.

54. R. Boyd has advised the City Council that, such studies notwithstanding, he is willing to attempt to get by with the 65' antenna facility he already owns which has the additional feature of cranking down to a height of only 32', including the antenna.

CLAIMS FOR RELIEF

PRB-1 Claim

55. The facts and allegations set forth in paragraphs 1 through 54 above are incorporated into the Boyds' claim pursuant to PRB-1 the same as if restated herein verbatim.

56. PRB-1 and RM-8763 preempt any ordinances of Ransom Canyon and prevent Ransom Canyon from either (i) passing an ordinance which would not reasonably accommodate amateur radio communications or (ii) applying its existing ordinances, or non-existent ordinances, in such a manner as to preclude amateur radio communications.

57. Ransom Canyon, as a municipality, is required to reasonably accommodate R. Boyd even if it had applicable ordinances. Instead, Ransom Canyon, with no applicable ordinances and despite being fully informed of the requirements of PRB-1, has repeatedly sandbagged, avoided the issues and drug up inapplicable side issues.

58. In lieu of complying with PRB-1 and seeking to reasonably accommodate R. Boyd, Ransom Canyon has chosen a course of issuing R. Boyd, and his non-ham wife, Susan Boyd, with citations attempting to assess fines far in excess of the maximum fine permitted by the Ordinance allegedly violated, and, without authority in the ordinance allegedly being enforced, is attempting to impose the excessive fines on a daily basis for a single structure erected without a permit, when it is doubtful any permit is required for such Antenna.

59. The Boyds seek a declaratory judgment from this Court recognizing the preemption of PRB-1 as to any actions of Ransom Canyon concerning the Antenna and ordering that Ransom Canyon has no ordinance requiring a permit for the Antenna or, alternatively, that PRB-1 requires Ransom Canyon to issue a building permit to R. Boyd for the Antenna, provided such Antenna

complies with the IRBC.

§ 1983 Claim

60. The facts and allegations set forth in paragraphs 1 through 54 above are incorporated into the Boyds' claim for relief under 42 U.S.C. 1983 the same as if restated herein verbatim.

61. R. Boyd, upon compliance with all requirements of Ransom Canyon to obtain a permit, given the ordinances, plan review procedures and the customary practices of Ransom Canyon, has a legitimate claim of entitlement or, alternatively, a justifiable expectation to be issued the building permit under Texas law which in turn is a property interest protected by the Fourteenth Amendment to the United States Constitution.

62. Ransom Canyon's (i) false assertions to R. Boyd that a permit was required, contrary to its past practices and the most reasonable interpretation of the applicable ordinances; (ii) unjustifiable delays in responding the R. Boyds application for a permit, contrary to its own ordinances, Texas law governing municipalities and the private deed restrictions which Ransom Canyon represents created its Building Review Committee (which provide explicit granting of an application not timely denied); and (iii) persistent efforts to circumvent PRB-1 requirements imposed upon it by federal law by attempting to incorporate private deed restrictions into its ordinances (in contravention of Texas law) violate R. Boyd's substantive and procedural due process rights and are an attempt to chill R. Boyd's exercise of an activity which is not only encouraged by the federal government but has also received explicit federal law protections.

63. Ransom Canyons's issuance of multiple citations on not only R. Boyd, but also his wife, Susan Boyd, who has no involvement in the disputed matters, seeking fines in excess of that permitted by their own ordinances and seeking to turn what is at most a single violation with a maximum fine, under Texas law, of \$500.00, into an infinite number of separate violations requiring

separate trials, violates the Boyds' substantive and procedural due process rights. Instead of an effort to legitimately exercise its police power to protect its citizens, Ransom Canyon has acted in an outrageously arbitrary manner to send the obvious message that anyone who messes with Ransom Canyon will be crushed. Their own ordinances were not onerous enough so they simply made some up. One time \$100 maximum fines turned into \$1,000 daily fines so that a misdemeanor could potentially have a fine for hundreds of thousands of dollars. It is a reign of terror being imposed at the highest levels at Ransom Canyon on anyone they do not like.

64. A citizen of a community has a reasonable expectation that its governing authorities will act only within the limits of the laws granted by the citizenry to the governing authority. Ransom Canyon exercises a sacred trust to enforce its ordinances only in accordance with their terms and with due consideration for the rights of its individual citizens. It is a terrible thing when a government effectively abolishes the rule of law, as Ransom Canyon has done, and arbitrarily decides what it can impose on its subjects in an effort to crush one of those it governs. It is one of the fundamental liberty interests granted to us to know what laws apply and that such laws will be applied uniformly and only in accordance with their express and clear terms.

65. The Boyds are entitled to equal protection under the laws. Dozens if not hundreds of antennas have been erected in Ransom Canyon without any permit being required, including antennas which, unlike R. Boyd's antenna, explicitly require a building permit. Citizens of Ransom Canyon routinely commence construction of improvements without a permit and are permitted to merely comply with the ordinance after they have been notified and are granted permits. The Boyds have been singled out and treated in a discriminatory and hostile manner.

66. Ransom Canyon cannot even claim that they are protecting anyone's safety or exercising any legitimate police power by denying R. Boyd's permit or issuing citations. They

cannot even claim they are protecting aesthetics. The City owns two antennas, at its fire station and its City Hall, which are far more prominent than the tower/antenna R. Boyd as erected. Ransom Canyon is acting purely from spite and in an exercise of what they must consider their unlimited power and right to crush anyone they dislike.

PRAYER

Plaintiffs request that this Court grant Plaintiffs:

- a. Judgment that PRB-1 preempts the ordinances of the Town of Ransom Canyon and preempts Ransom Canyon's attempts to prevent the tower and antenna erected by R. Boyd.
- b. Judgment that R. Boyd is entitled under PRB-1 to the tower and antenna already erected by R. Boyd.
- c. Judgement that no building permit is required for R. Boyd's tower and Antenna or alternatively that PRB-1 preempts any action by Ransom Canyon at this juncture to deny a permit if the tower/antenna complies with the terms of the International Residential Building Code.
- d. Order the Defendant to comply with PRB-1 as to any subsequent requests by R. Boyd to Defendant concerning any request for a higher antenna.
- e. Order that the Defendant be enjoined from in any way enforcing or threatening to enforce Ordinance 56, or any other ordinance of Defendant, in a way that does not reasonably accommodate amateur radio communications.
- f. Judgment that Defendant has violated Plaintiffs' constitutional procedural due process rights.
- g. Judgment that Defendant has violated Plaintiffs' constitutional substantive due process rights.
- h. Judgment that Defendant has violated Plaintiffs' constitutional rights of equal

protection under the law.

i. Judgment that Ransom Canyon Ordinance No. 56 (as amended,) as applied to these facts, permits at most only a single fine against R. Boyd for a maximum of \$100.00 or, alternatively, that the criminal provisions of such ordinance is constitutionally vague and unenforceable.

j. Judgment for attorneys fees under §1983 to the Boyds for Ransom Canyon's deprivation of their rights under the equal protection and due process clauses of the Fourteenth Amendment to the U.S. Constitution or as the Court may otherwise deem just.

k. Exemplary or similar damages in an amount to be determined by the Court pursuant to §1983 or other applicable authority as a deterrent to Ransom Canyon imposing similar unlawful treatment on subjects not connected to City Hall.

l. All other relief that is just and proper.

Respectfully submitted,

Richards & Elder, L.L.P.
3223 South Loop 289, Suite 424 (79423)
P.O. Box 64657
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806-798-8868
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delder@richards-elder.com
dgibson@richards-elder.com

By: 

Dulan D. Elder
State Bar No. 06507800
D. Daniel Gibson
State Bar No. 24045939

November 22, 2006

Mr. Robert C. Boyd
9810 Savannah Ave
Lubbock, Texas 79424-7306

Re: Request for Building Permit

Dear Mr. Boyd,

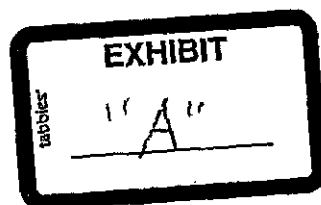
The property at 98 South Lake Shore Drive is Deed Restricted to single story. An antenna such as you describe would exceed the single story definition, which is 18 feet above curb, for this property.

The building committee chairman declined to call a meeting on this item, based on the conflict with Deed Restriction compliance, and he has asked me to relay this information to you.

I am enclosing a copy of the Dedication Deed for Block 31.

Sincerely,

Melissa Verett
City Administrator



STATE OF TEXAS X
COUNTY OF LUBBOCK X

DEDICATION DEED

This is to certify that MARATHON PAVING & UTILITY CONSTRUCTORS, a corporation acting herein by and through its duly authorized officers, of Harris County, Texas, is the owner of a tract of land particularly described as follows;

Being a tract of land in Lubbock County, Texas, and more particularly described as follows:

BEGINNING at the Northwest corner of Lot 73, Block 31, same being in the North line of Section 6, Block I, Lubbock County, Texas, and from whence the Northeast corner of said Section 6, Block I, bears S. 89°57'15" E. a distance of 1068.70 feet;

THENCE S. 89°57'15" E., along said North line of Section 6, Block I, at a distance of 1068.70 feet pass said Northeast corner of Section 6, Block I, continuing along the North line of Section 4, Block I, for an overall distance of 1174.12 feet;

THENCE S. 19°14'49" E. a distance of 125.90 feet;

THENCE S. 38°26'46" W. a distance of 99.86 feet to the most Easterly common corner of Lots 74 and 75, Block 31;

THENCE S. 63°20'37" W. a distance of 176.08 feet;

THENCE S. 77°52'26" W. a distance of 69.12 feet to the most Southerly common corner of Lots 75 and 76, Block 31;

THENCE N. 87°41'34" W. a distance of 243.01 feet to the most Southerly common corner of Lots 76 and 77, Block 31;

THENCE N. 00°57'54" W. a distance of 241.25 feet to the Northwest corner of Lot 77, Block 31, same being in the South line of Lake Shore Drive South;

THENCE N. 89°57'15" W., along the South line of Lake Shore Drive South, a distance of 181.62 feet to the Northeast corner of Lot 78, Block 31;

THENCE S. 00°24'42" W., along the Easterly lines of Lots 78, 79, 80, 81 and 82, Block 31, a distance of 405.24 feet;

THENCE S. 27°43'18" E. a distance of 196.18 feet to the most Easterly corner of Lot 82, Block 31, same being in the Northeasterly line of Lake Shore Drive South;

THENCE S. 63°15'03" E., along the Northeasterly line of Lake Shore Drive South, a distance of 113.96 feet;

THENCE S. 26°44'57" W. a distance of 50.00 feet to the most Northerly common corner of Lots 62 and 61, Block 31, same being in the Southwesterly line of Lake Shore Drive South;

THENCE S. 22°46'21" W., along the Southeasterly lines of Lots 62 and 63, Block 31, same being the Northwesterly lines of Lots 61, 59 and 58, Block 31, a distance of 338.57 feet to the most Southerly corner of Lot 63, Block 31;

THENCE N. 40°34'02" W. a distance of 128.42 feet to the most Southerly common corner of Lots 63 and 64, Block 31;

THENCE N. 36°55'59" W. a distance of 105.98 feet to the most Southerly common corner of Lots 64 and 66, Block 31;

THENCE N. 42°17'06" W., along the Southwesterly lines of Lots 66 and 67, Block 31, a distance of 225.93 feet to the most Southerly common corner of Lots 67 and 68, Block 31;

THENCE N. 31°52'22" W., along the Southwesterly lines of Lots 68, 69 and 70, Block 31, a distance of 349.56 feet to the most Westerly common corner of Lots 70 and 71, Block 31;

THENCE N. 31°13'20" W. a distance of 170.27 feet to the most
 Westerly corner of Lot 71, Block 31;
 THENCE N. 87°36'30" E., along the North line of said Lot 71,
 Block 31, a distance of 217.11 feet to the most Northerly
 corner of said Lot 71, Block 31, same being in the
 Westerly line of Lake Shore Drive South;
 THENCE Northerly, along said Westerly line of Lake Shore Drive
 South and around a curve to the right, said curve having
 a radius of 302.02 feet, a central angle of 09°32'17",
 a chord distance of 50.22 feet, tangent lengths of 25.20
 feet, and an arc length of 50.28 feet to the Southeast
 corner of Lot 72, Block 31;
 THENCE S. 87°36'30" W., along the South line of said Lot 72,
 Block 31, a distance of 219.86 feet to the Southwest
 corner of said Lot 72, Block 31;
 THENCE N. 17°03'30" E. a distance of 99.92 feet to the most
 Westerly common corner of Lots 72 and 73, Block 31;
 THENCE N. 03°55'44" E. a distance of 90.19 feet to the Point of
 Beginning;

and
 undersigned does hereby plat the above-described property into
 lots and blocks, designating streets, alleys, easements, and other public
 utilities as therein shown in accordance with the attached map,
 prepared by Hugo Reed & Associates, Inc., Land Surveyors - Civil
 Engineers, on March 8, 1980, and desiring to have the said property
 recorded and duly filed for record as required by law, all as shown on
 attached map;

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: That for and in
 consideration of the special benefits to the remainder of its property,
 undersigned does hereby DEDICATE all the streets, alleys, easements
 (surface and/or underground), and other public properties thereon shown
 designated upon said map to the PUBLIC for PUBLIC USE FOREVER; and
 these presents does impress the name of "LOTS 62-82 and LOT A,
 BLOCK 31, LAKE RANSOM CANYON, an Addition to the Village of Lake Ransom
 Canyon, Lubbock County, Texas," upon said property for the correct reference
 description thereto by lots and blocks as indicated upon the attached
 map and does hereby adopt the name hereinabove stated and impress the
 same upon said land, incorporating said map as a part of this dedication.

And the undersigned owner of said lots does hereby impress and
 impose upon the herein platted lots (except LOT A) the restrictive
 covenants heretofore imposed upon certain other lots and blocks in the
 Lake Ransom Canyon Addition in an instrument of record in Volume 1055,
 page 395 of the Deed Records of Lubbock County, Texas, hereby adopting
 the same by reference just as though the said restrictive covenants
 were set forth in this Dedication Deed EXCEPT THAT the following restric-
 tive covenants hereinafter set forth shall prevail and govern over any
 other restrictive covenants in the instrument of record in Volume 1055,
 page 395 which are in conflict with the following covenants, to-wit:

1. Residences constructed on Lots 62, 65, and Lots 78 through
 82, both inclusive, Block 31, shall be only 1-story in height.
2. Residences constructed on any of the above-described lots
 shall contain a minimum of 1750 square feet of living space,
 exclusive of porches, sun decks, garages, patios, and the
 like.
3. Residences constructed on Lots 63 and 64 in Block 31 shall
 set back a minimum of 25 feet from the North Northeasterly
 property line of each of the said two lots.

Restrictive Covenant number 2 contained in instrument of record in Volume 1055, page 395 is hereby amended to permit used concrete block to be used for foundations, retaining walls, fences, or building walls, provided that such used concrete blocks shall be painted, plastered, or covered with earth so that no used concrete blocks shall remain exposed to view. Any other used materials going into any residence constructed on the above-described lots shall be of a quality at least equal to the quality of new materials of the same type.

EXECUTED this 31 day of March, 1980.

MARATHON PAVING & UTILITY
CONSTRUCTORS, INC.

By [Signature]
Vice-President

I:

[Signature]
Assistant Secretary

STATE OF TEXAS X

CITY OF LUBBOCK X

BEFORE ME, the undersigned authority, a Notary Public in and for County and State, on this day personally appeared Ed Chapman, Vice-President of MARATHON PAVING & UTILITY CONSTRUCTORS, INC. known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the was the act of the said MARATHON PAVING & UTILITY CONSTRUCTORS, INC., corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this 31 day of March, 1980.

[Signature] Lois Seaman
Notary Public in and for Lubbock
County, Texas.

COPY

Dulan D. Elder
Richards & Elder, L.L.P.
3223 South Loop 289, Suite 424 (79423)
P.O. Box 64657
Lubbock, TX 79464-4657
806-798-8868
806-798-8878 (facsimile)
State Bar No. 06507800

U.S. DISTRICT COURT NORTHERN DISTRICT OF TEXAS FILED JUL - 5 2007 CLERK, U.S. DISTRICT COURT By _____ Deputy

**UNITED STATES DISTRICT COURT
FOR THE NORTHER DISTRICT OF TEXAS
LUBBOCK DIVISION**

ROBERT BOYD AND SUSAN BOYD
Plaintiffs,

v.

**THE TOWN OF RANSOM
CANYON, TEXAS,**
Defendant

§
§
§
§
§
§
§
§

Civil Action No.:

5-07CV0129-C

CERTIFICATE OF INTERESTED PARTIES

Pursuant to Rule 3.1(f) of the Local Civil Rules of the United States District Court for the Northern District of Texas, the following is a complete list of all persons, associations of persons, firms partnerships, corporations, guarantors, insurers, affiliates, parent or subsidiary corporations, or other legal entities who or which are financially interested in the outcome of the case.

_____ **None**

Party(ies)

Robert Boyd, Plaintiff
Susan Boyd, Plaintiff

The Town of Ransom Canyon, Texas, Defendant

Dated this 5th day of July, 2007.

Respectfully submitted,

RICHARDS & ELDER, L.L.P.

3223 South Loop 289, Suite 424 (79423)

P.O. Box 64657

Lubbock, TX 79464-4657

Telephone: (806) 798-8868

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dgibson@richards-elder.com

By: 

DULAN D. ELDER

State Bar No. 06507800

D. DANIEL GIBSON

State Bar No. 24045939

COUNSEL FOR PLAINTIFFS